

ADOPTION OF THE 2000 EDITION OF THE LIFE SAFETY CODE

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Reprinted from the February 2003 issue of *Long Term Care Highlights*

On January 10, 2003, the Centers for Medicare and Medicaid Services (CMS) published final rules in the Federal Register adopting the 2000 edition of the Life Safety Code (LSC). This final rule amends the fire safety standards for certified facilities, including long-term care facilities. Further, this final rule adopts the 2000 edition of the LSC and eliminates references to all earlier editions. These regulations are effective on March 11, 2003.

To relieve some burden for providers, enforcement of the 2000 edition of the LSC will be delayed for six months until September 11, 2003. Because of the burden that may be imposed by the requirement to replace all existing roller latches, this requirement will be phased in over a 3-year period beginning on March 11, 2003. The emergency lighting requirement will also be phased in over a 3-year period beginning on March 11, 2003. Therefore, compliance with the emergency lighting and roller latch requirements is not required until March 13, 2006.

The Life Safety Code is a compilation of fire safety requirements for new and existing buildings and is updated and published every 3 years by the National Fire Protection Association (NFPA), a private, nonprofit organization dedicated to reducing loss of life due to fire. The Medicare and Medicaid regulations have historically incorporated by reference these requirements.

This final rule adopts the 2000 edition of the LSC. The objective is to provide safety to life during fires and other emergencies. Adoption and use of the 2000 edition of the LSC will update to the latest and best technology in fire protection. These requirements are designed to protect all patients and staff.

The final rule will continue to allow other options besides the prescriptive requirements of the LSC. Health care facilities may choose the FSES, and a facility may apply for a waiver of a specific provision of the LSC if it is unable to meet a specific requirement.

Emergency Lighting. This provision in the 2000 LSC requires emergency lighting for a period of 1 ½ hours in health care facilities, enabling those inside to move about safely in an emergency. It is standard practice to routinely replace emergency lighting system batteries every 3 years. Therefore, it was decided to phase in the emergency lighting requirement over 3 years to match providers' current cycle of replacing the batteries in their emergency lighting systems.

Roller Latches. Through fire investigations, roller latches have proven to be an unreliable door latching mechanism requiring extensive on-going maintenance to operate properly. Many roller latches in fire situations failed to provide adequate protection to residents in their rooms during an emergency. Roller latches that are not properly maintained may be a danger to the health and safety of patients and staff. In addition, doors that include roller latches are consistently one of the most cited deficiencies. In fact, in skilled nursing facilities roller latches in corridor doors are consistently the number one cited deficiency on a national level.

To alleviate some of the burden of the roller latch requirement, the replacement is being phased in over 3 years. After March 13, 2006, roller latches will no longer be permitted. During this 3-year phase in period, we will continue to monitor through the survey process, a facility's maintenance of its existing roller latches to ensure that they are maintained and operating properly.